

RECEIVED

MAY 29 1992

BEFORE THE

**Federal Communications Commission**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

WASHINGTON, D. C. 20554

In re Applications of	)	MM Docket No. 92-70
	)	
SABLE COMMUNITY	)	File No. BPED-851003MB
BROADCASTING CORPORATION	)	
	)	
BOARD OF TRUSTEES	)	File No. BPED-860205MD
SHORTER COLLEGE	)	
	)	
GADSDEN STATE	)	File No. BPED-860307MK
COMMUNITY COLLEGE	)	
	)	
TRINITY CHRISTIAN	)	File No. BPED-860512MB
ACADEMY	)	
	)	
For Construction Permits	)	
for New and Modified	)	
Noncommercial FM Facilities	)	
on Channel 217	)	

To: Administrative Law Judge Arthur I. Steinberg

**MOTION TO DISMISS**

Trinity Christian Academy, by its counsel and pursuant to Sections 1.221(c) and 73.3568 of the Commission's rules, hereby requests the dismissal of the application of Sable Community Broadcasting Corporation ("Sable"). In support of this motion, the following is stated:

In accordance with Section 1.221(c) of the rules, the Hearing Designation Order in this proceeding, DA 92-412 (released April 15, 1992) ("HDO"), directed the applicants to file a written notice of appearance within 20 days of the mailing of the HDO. HDO at ¶23. As noted in the Presiding Judge's Order, FCC 92M-614 (released May 28, 1992), the HDO was mailed on April 16, 1992. Thus, the deadline for filing notices of appearance in this

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List A B C D E 07-08

proceeding was May 6, 1992. Id. Sable did not file its notice of appearance with the Commission until May 19, 1992 (see Attachment A), nearly two weeks after the filing deadline, and made no attempt to establish good cause for its untimely filing.<sup>1</sup> Accordingly, the Presiding Judge dismissed Sable's late-filed notice of appearance by Order, FCC 92M-614.

Section 1.221(c) of the Commission's rules provides as follows:

Where an applicant fails to file such a written appearance within the time specified, or has not filed . . . a petition to accept, for good cause shown, such written appearance beyond expiration of said 20 days, the application will be dismissed with prejudice for failure to prosecute.

47 CFR §1.221(c) (emphasis added). Therefore, because (a) Sable failed to file a timely notice of appearance in accordance with Section 1.221(c) of the rules, (b) Sable did not establish good cause for its late-filing, and (c) the Presiding Judge has dismissed Sable's late-filed notice of appearance, Sable's application should be dismissed with prejudice. See CSJ Investments, Inc., 5 FCC Rcd 7653 (1990); Juan Galiano, 5 FCC Rcd 6442 (1990), recon. denied, 6 FCC Rcd 895 (1991); Silver Springs Communications, 3 FCC Rcd 5049 (Rev. Bd. 1988), rev. denied, 4 FCC Rcd 4917 (1989).

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<sup>1</sup> As the Presiding Judge properly noted, Sable's notice of appearance was not served on any of the parties to this proceeding as required by Section 1.221 of the Commission's rules. See Order, FCC 92M-614 (released May 28, 1992).

However, regardless of the dismissal of Sable's late-filed notice of appearance, there is an independent basis for the dismissal of Sable's application. On November 26, 1991, the Chief, FM Branch, sent a letter to all applicants in this proceeding which, inter alia, directed them to file an environmental statement explaining what efforts will be taken to limit the exposure of authorized personnel to RF radiation. The letter also stated that the failure to respond to the letter within 60 days would result in the dismissal of the application pursuant to Section 73.3568 of the rules. See Attachment B, pp. 6-7. Nevertheless, Sable did not respond to the Audio Services Division's directive. Accordingly, at ¶23 of the HDO, Sable was ordered to submit the required environmental assessment to the Presiding Judge and the Audio Services Division within 30 days of the release of the HDO.

In addition, at ¶16 of the HDO, Sable was ordered to inform the Presiding Judge as to whether it had complied with Section 73.3580 of the Commission's rules concerning publication of a local notice regarding the filing of its application. See HDO at ¶16.

According to the Commission's records (see Attachment C), Sable has not complied with ¶23 of the HDO by filing an environmental impact statement concerning RF radiation, nor has it complied with ¶16 by informing the Presiding Judge with respect to whether it has complied with Section 73.3580 of the rules.

In Hillebrand Broadcasting, Inc., 1 FCC Rcd 419 (1986) (subsequent history omitted), the Commission stated that

prosecution of an application means timely compliance with procedural and substantive rules. The Commission also noted it is placing greater emphasis on its "responsibility to provide service to the public in the most efficient, expeditious manner possible," and that "delaying the initiation of new service disservices the public interest." Id. Accordingly, the Commission announced it would no longer indulge applicants' "temporizing activities." Id.

Section 73.3568(b) of the Commission's rules provides that the "[f]ailure to prosecute an application, or failure to respond to official correspondence or request for additional information, will be cause for dismissal." 47 CFR §73.3568(b). In reviewing the dismissal of an applicant from a comparative proceeding, the U.S. Circuit Court of Appeals for the District of Columbia set forth four factors for consideration:

. . . [T]he applicant's proffered justification for the failure to comply with the presiding officer's order, the prejudice suffered by other parties, the burden placed on the administrative system, and the need to punish abuse of the system and to deter future misconduct.


Comuni-Centre Broadcasting, Inc. v. FCC, 856 F.2d 1551, 1554 (D.C. Cir. 1988).

In this case, Sable has offered no explanation for its repeated failures to comply with the Commission's directives and procedural rules. The remaining parties in this proceeding have been prejudiced because they have substantially complied with the Commission's rules and Sable's dilatory tactics have delayed this proceeding. Sable's failure to provide an environmental statement

concerning RF radiation, late-filed notice of appearance, and apparent failure to comply with the Commission's local notice publication requirement have burdened the administrative system. Moreover, the dismissal of Sable's application is necessary in order to deter similar misconduct in the future. Indeed, Sable has made no effort to comply with the Commission's directives or procedural rules in the prosecution of its application. Therefore, because Sable's late-filed notice of appearance was not an isolated flaw in the prosecution of its application, but, rather, is reflective of its repeated procedural failures and dilatory tactics, Sable's application should be dismissed with prejudice. See V.O.B. Incorporated, 4 FCC Rcd 6753 (Rev. Bd. 1989); Mark A. Perry, 4 FCC Rcd 6500 (Rev. Bd. 1989); Comuni-Centre Broadcasting, Inc. v. FCC, 856 F.2d 1551; Hillebrand Broadcasting, Inc., 1 FCC Rcd 419.

WHEREFORE, In light of the foregoing, Trinity Christian Academy requests that the application of Sable Community Broadcasting Corporation (File No. BPED-851003MB) be DISMISSED with PREJUDICE.

Respectfully submitted,  
TRINITY CHRISTIAN ACADEMY

By   
Harry C. Martin  
Andrew S. Kersting

Its Counsel

Reddy, Begley & Martin  
1001 22nd Street, N.W.  
Suite 350  
Washington, D.C. 20037

May 29, 1992

**Attachment A**

**SABLE COMMUNITY BROADCASTING CORPORATION'S**  
**MAY 19, 1992, NOTICE OF APPEARANCE**

FEDERAL COMMUNICATIONS COMMISSION

Record Image Processing System

PRINT JOB REQUESTED

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DKT/RM NO: 92-70  
DOCUMENT: SABLE COMMUNITY BROADCAST  
JOB NUMBER: 6882  
REQUESTOR: rips  
WORKSTATION: fcc\_retr\_9  
TOTAL PAGES: 3  
05/27/1992 @ 11:28:00

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RECORD INDEX DATA  
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Docket Number: 92-70  
Rulemaking Number:  
Date of Filed Document: 051592  
Name of Applicant/Petitioner: SABLE COMMUNITY BROADCAST  
Law Firm Name: REID & THOMAS  
Attorney/Author Name: HOLLOWAY, MAUDINE J.  
File Number/City, St.: BPED-851003MB  
Document Type: NA <APPEARANCE >  
FCC Number/DA Number:  
Release Date/Denied Date:  
Receipt/Adopted/Issued Date: 051292  
Exparte/Late Filed:  
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Total Page Count: 3

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D. C. 20554

RECEIVED

MAY 19 1992

Federal Communications Commission  
Office of the Secretary

In re-Applications of	)	MM Docket No. <u>92-70</u>
SABLE COMMUNITY	)	File No. BPED-851003MB
BROADCASTING CORPORATION	)	
BOARD OF TRUSTEES	)	File No. BPED-860205MD
SHORTER COLLEGE	)	
GADSDEN STATE	)	File No. BPED-860307MK
COMMUNITY COLLEGE	)	
TRINITY CHRISTIAN	)	File No. BPED-860512MB
ACADEMY	)	
For Construction Permits	)	
for New and Modified	)	
Noncommercial FM Facilities	)	
on Channel 217	)	

TO: Secretary, Federal Communications Commission

**NOTICE OF APPEARANCE**

Sable Community Broadcasting Corporation, by its counsel and pursuant to Section 1.221 (c) of the Commission's rules, hereby gives notice that it will appear on the scheduled hearing date and present evidence in accordance with the Hearing Designation Order, DA 92-412, released April 15, 1992.



Respectfully submitted,

**THE SABLE COMMUNITY BROADCASTING CORPORATION**

By Maudine J. Holloway  
Maudine J. Holloway

By Marcus W. Reid  
Marcus Reid

Its Counsel

**Reid & Thomas**  
501 Southtrust Bank Building  
1000 Quintard Avenue  
Anniston, AL 36201

Dated: May 15, 1992

# Federal Communications Commission



Washington, D. C. 20554

## CHANGE IN OFFICIAL MAILING ADDRESS FOR DOCKETED CASES

RECEIVED

Mail to: Federal Communications Commission  
Dockets Branch  
1919 M Street, N.W., Room 230  
Washington, DC 20554

MAY 19 1992

Federal Communications Commission  
Office of the Secretary

SABLE COMMUNITY BROADCASTING CORPORATION

1. Licensee's/Permittee's/Attorney's Name:

613 Church Street

(P. O. Box 3197-Oxford, AL 36203)

2. Street Address or Post Office Box:

HOBSON CITY, AL 36201

3. City, State, and ZIP Code:

MM Docket No. 92-70

4. Docket or Rulemaking Number(s):

FILE No. BPED-851003MB

Section 1.5 of the Commission's Rules requires an attorney to keep the Commission informed of any change in mailing address in order that the station may be served documents or other official papers without delay.

Only one mailing address can be maintained for each applicant.

Due to lack of space in the computer the mailing address cannot contain an individual name (unless the licensee/permittee is an individual).

Attachment B

LETTER DATED NOVEMBER 26, 1991,  
FROM CHIEF, FM BRANCH, TO ALL APPLICANTS

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

26 NOV 1991

IN REPLY REFER TO:  
8920-JDB

Gadsden State Community College  
100 George Wallace Drive  
Gadsden, AL 35999-9990

Board of Trustees  
Jacksonville State University  
104 Self Hall  
Jacksonville, AL 36265

Sable Community Broadcasting Corporation  
611 Church Street  
Hobson City, AL 36201

C.O. Grinstead  
Trinity Christian Academy  
Route 7, Box 335  
Oxford, AL 36203

Board of Trustees  
Shorter College  
Shorter Hill  
Rome, GA 30101-9989

RECEIVED  
REDDY, BEGLEY & MARTIN

NOV 27 1991

Addressed to BGM  
Handled by \_\_\_\_\_  
File \_\_\_\_\_

In re: WSGN(FM), Gadsden, AL  
Gadsden State Community College  
BPED-860307MK  
Petition For Reconsideration

WLJS(FM), Jacksonville, AL  
Jacksonville State University  
BPED-860321MI  
Petition For Reconsideration

NEW(FM), Hobson City, AL  
Sable Community Broadcasting  
Corporation  
BPED-851003MB

NEW(FM), Oxford, AL  
Trinity Christian Academy  
BPED-860512MB

NEW(FM), Rome, GA  
Shorter College  
BPED-860205MD

Dear Applicants:

This letter refers to the above-captioned petition filed on November 26, 1986 by Gadsden State Community College ("Gadsden") requesting reconsideration of the Commission's October 27, 1986 action returning major change application BPED-860307MK; the above-captioned petition filed on November 26, 1986 by Jacksonville State University ("Jacksonville") requesting reconsideration of the Commission's October 27, 1986 action returning application BPED-860321MI; and the above captioned applications for new non-commercial FM Stations from Sable Community Broadcasting ("Sable") in Hobson City, Alabama (BPED-851003MB); Trinity Christian Academy ("Trinity") in Oxford, Alabama (BPED-860512MB); and Shorter College ("Shorter") in Rome, Georgia (BPED-860205MD).

By way of background, all of these applications are in the same mutually exclusive group (see attached Exhibit A). Sable is the lead applicant because its application has the earliest "A" cut-off date -- May 12, 1986. The Shorter application was also placed on an "A" cut-off list with a cut-off date of October 23, 1986. Trinity's application, being mutually exclusive to Sable's application, was placed on a "B" list specifying a cut-off date of March 28, 1988. Gadsden's application was filed mutually exclusive and timely with Sable's application. In addition, Jacksonville's application was filed mutually exclusive with Gadsden's application and timely with respect to Sable's cut-off date. The Jacksonville and Gadsden proposals are "major change" applications requiring processing pursuant to 47 C.F.R. 73.3573(a) (1). Neither application has been cut-off as of this date.

**GADSDEN:**

Gadsden is the licensee of Station WSGN(FM), Gadsden, Alabama, which operates on Channel 218A with 3.5 kilowatts ERP and 23 meters HAAT. On March 7, 1986 Gadsden applied to upgrade WSGN to Channel 217C2 at a new transmitter site. The proposed facility would receive prohibited overlap in violation of 47 C.F.R. § 73.509 from the licensed facilities of Jacksonville on third-adjacent Channel 220A (see attached Exhibit B). However, Gadsden recognized only the

overlap with Jacksonville's proposed facilities (BPED-860321MI) and requested a waiver of 47 C.F.R. § 73.509. The overlap with the licensed facilities of Jacksonville was not addressed. The Commission, by letter dated October 27, 1986, returned Gadsden's application because of the violation of 47 C.F.R. § 73.509(a) with respect to the licensed facilities of Jacksonville but did not rule on the waiver request with respect to Jacksonville's proposed facilities. Gadsden's November 26, 1986 petition for reconsideration supplements its original waiver request to include a request for waiver of the prohibited third-adjacent overlap it would receive from the licensed facilities of Jacksonville.

Under the Public Notice entitled "Commission States Future Policy on Incomplete and Patently Defective AM and FM Construction Permit Applications," 56 RR 2d 776, 49 Fed. Reg. 47331, released August 2, 1984, the Commission indicated that it would reinstate applications nunc pro tunc where the original application was dismissed and where a petition for reconsideration is filed within 30 days of the date of the dismissal which includes a relatively minor curative amendment. The minor amendment filed November 26, 1986 in conjunction with Gadsden's petition for reconsideration seeks to rectify the deficiency which resulted in the return of the original application by requesting waiver.

The Commission recently modified its policy in regard to overlap received from the second and third adjacent channel stations.

The Commission has long recognized the unique characteristics of the noncommercial service and the need for flexibility to respond to the growing demand for such service. We are also more sensitive today to the increasing limitations within the reserved band which reflect the increased demand for service over the last 30 years. For these reasons, we are now inclined to grant waivers of second or third adjacent channel overlap in circumstances such as WCPE's, where the benefit of increased noncommercial educational service so heavily outweighs the potential for interference in very small areas. However, because of the concern for the ability of the stations causing interference to make any future changes in their own facilities, as discussed below, we believe that the waiver of interference received must be granted with the acknowledgement that future modifications proposed by the affected licensees will not be construed as a per se modification of the waiver recipient's license.

See Educational Information Corporation (WCPE-FM), 6 FCC Rcd 2207 (1991). The overlap between Gadsden's proposal and the licensed facilities of Jacksonville is directly analogous to that in the WCPE case. In light of the Commission's changed policy, waiver of this overlap is warranted and will be granted with an appropriate condition.<sup>1</sup> Accordingly, Gadsden's application will be reinstated. Further review shows that the application as amended is acceptable for filing.

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<sup>1</sup> Waiver of 47 C.F.R. § 73.509 with respect to Jacksonville's application is not necessary for the acceptance of Gadsden's application because they are both timely filed with respect to Sable's cut-off date.

#### JACKSONVILLE:

Jacksonville is the licensee of Station WLJS(FM), Jacksonville, Alabama, which is licensed to operate on Channel 220A with 3.0 kilowatts ERP and 44 meters HAAT. On March 21, 1986 Jacksonville applied to move to a new transmitter site. The proposed facility would receive prohibited overlap in violation of 47 C.F.R. § 73.509 from the licensed facilities of Gadsden on second adjacent Channel 218 (see attached Exhibit C). Jacksonville recognized the conflict with Gadsden's licensed facilities and requested a waiver of 47 C.F.R. § 73.509. The Commission, by letter dated October 27, 1986, returned Jacksonville's application because of the violation of 47 C.F.R. § 73.509(a) with respect to the licensed facilities of Gadsden.<sup>2</sup> Jacksonville's November 26, 1986 petition for reconsideration was filed within 30 days of the dismissal and contains a minor curative amendment in the form of a supplement to the waiver request in the original application. Accordingly, under the Public Notice, supra, it is eligible for reinstatement nunc pro tunc. The overlap between Jacksonville's proposed 60 dBu protected contour and the licensed 80 dBu interfering contour of second adjacent channel Station WSGN is directly analogous to that in the WCPE case, supra. Therefore, waiver of this overlap is warranted and will be granted with an appropriate condition and the application will be reinstated.<sup>3</sup> Furthermore, our review shows that the application as amended is acceptable for filing.

#### HEARING:

Because all of the above-referenced applications are in the same mutually exclusive group, grant of any of these applications would come only after a comparative hearing. The policy of the Commission is to avoid sending educational applications to hearing, if at all possible, so that the substantial delays and expenses involved in the hearing can be avoided. This policy finds its underpinnings in the inability of many educational applicants to bear the costs (such as legal fees) that they would incur in prosecuting mutually exclusive applications through the hearing process. Accordingly, we are taking this opportunity to make you aware of your application's mutual exclusivity. We will withhold further action with respect to the subject applications for a period of sixty (60) days so that you have an opportunity to evaluate the situation and hopefully take such steps as would remove the mutual exclusivity. Possible alternatives include frequency changes to increase the spectral separation of the proposed facilities. Share-time agreements between

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<sup>2</sup> The return letter mistakenly identifies the overlap as occurring within WSGN's 60 dBu contour. It actually occurs within Jacksonville's proposed 60 dBu contour.

<sup>3</sup> Jacksonville's proposal would also cause prohibited overlap to Gadsden's proposed facilities on third adjacent Channel 217. Waiver of 47 C.F.R. § 73.509 with respect to Gadsden's application is not necessary for the acceptance of Jacksonville's application because they are both timely filed with respect to Sable's cut-off date.

mutually exclusive educational applicants have also been employed to avoid designating their applications for hearing.

In sum, we urge you to communicate with each other concerning the mutual exclusivity issue and, if possible, to amend your applications so as to remove the present conflict between them. Action on these applications will be deferred for 60 days, to allow you the opportunity to negotiate. If no response is received during this period, these applications will be designated for a comparative hearing.

GADSDEN & JACKSONVILLE / WBRC(TV) :

When the Gadsden and Jacksonville applications were originally filed, WBRC(TV), Birmingham, Alabama was operating pursuant to BLCT-1880 with 100 kW and 338 meters HAAT. Subsequently the Commission has granted construction permit BLCT-870713KH for WBRC(TV) to increase its HAAT to 420 meters, and a license BLCT-880229KI to cover the construction permit was granted on May 31, 1988. Section 73.525(a) (2) states that: "[w]here a NCE-FM application has been accepted for filing or granted, the subsequent acceptance of an application filed by a relevant TV Channel 6 station will not require revision of the pending NCE-FM application..." Because the Gadsden and Jacksonville applications have not been accepted for filing, it is necessary pursuant to 47 C.F.R. § 73.525(a) (2), that they submit an updated Channel 6 television interference study. The interference showing must include: tabulations of the protected TV Channel 6 field strength contours and the corresponding FM interfering field strength contours (see the Public Notice dated July 15, 1985, Mimeo 5795); diagrams of the interference area plotted on a Census County Subdivision Map (MCD, CCD, or equivalent); details of any population adjustments claimed; and tabulations of the number of persons contained within the predicted interference area, as adjusted. The showings must address all applicable requirements of 47 C.F.R. § 73.525.

SHORTER:

Shorter's application BPED-860205MD contains two complete sets of engineering data, including two maps and two Section V-B's of FCC Form 340. One set proposes the coordinates 34° 15' 25" N.L. and 85° 11' 50" W.L., while the other proposes the coordinates 34° 15' 25" N.L. and 85° 11' 45" W.L. Therefore, Shorter must amend its application to clarify which coordinates are correct.

TRINITY:

With respect to Trinity's application BPED-860512MB, pursuant to the Second Report and Order in MM Docket 88-375, 54 F.R. 35335, Class A stations are allowed facilities equivalent to 6 kW at 100 meters. Accordingly, Trinity's proposal has been reclassified as a Class A facility. In addition, the Channel 6 television study submitted is incorrect. Under 47 C.F.R. § 73.525(e) (1) (iii), when using vertical polarization only, the 6 dB adjustment for antenna directivity cannot be utilized. Therefore, the Channel 6 television study must be amended to correct this deficiency. Finally, there is a discrepancy between the proposed tower height above mean sea level (AMSL) and the tower height (AMSL) on file with the Commission. The application indicated



that the tower height (AMSL) is 910 meters, while our files show it to be 909 meters. If the tower has been built to 910 meters, a copy of the FAA determination that authorizes a 910 meter tower must be submitted. However, if the tower is 909 meters above ground level, then all pertinent sections of the application may simply be corrected and submitted as an amendment in triplicate to the Secretary of the Commission and signed in the same manner as the original application.

ALL APPLICANTS:

With respect to all of the applications, an engineering study based upon OST Bulletin No. 65, October, 1985 entitled "Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radiofrequency Radiation" reveals that the issue of potential occupational hazards caused by the proposed facilities was not addressed. Accordingly, all applicants must explain what steps will be taken to limit the RF radiation exposure to persons authorized access to their towers.

ORDERING CLAUSES:

For the reasons stated above, the waiver request of 47 C.F.R. § 73.509 with respect to Jacksonville's license filed by Gadsden State Community College and its petition for reconsideration ARE HEREBY GRANTED. Application BPED-860307MK for Gadsden IS HEREBY REINSTATED NUNC PRO TUNC and IS HEREBY ACCEPTED FOR FILING. The application will be placed on the next available "B" cutoff list. If Application BPED-860307MK for Gadsden is subsequently granted, the following condition will be attached: "Further modification to the facilities of Station WLJS(FM) on Channel 220A in Jacksonville, Alabama will not be construed as a per se modification of WSGN's license." (see "Educational Information Corporation" 6 FCC Rcd. 2207 (1991)).

For the reasons stated above, the waiver request of 47 C.F.R. § 73.509 with respect to Gadsden's license filed by Jacksonville State University and its petition for reconsideration ARE HEREBY GRANTED. Application BPED-860321MI for Jacksonville IS HEREBY REINSTATED NUNC PRO TUNC and IS HEREBY ACCEPTED FOR FILING. The application will be placed on the next available "B" cutoff list. If Application BPED-860321MI for Jacksonville is subsequently granted, the following condition will be attached: "Further modification to the facilities of Station WSGN(FM) on Channel 218A in Gadsden, Alabama will not be construed as a per se modification of WLJS's license." (see "Educational Information Corporation" 6 FCC Rcd. 2207 (1991)).

Further action on the subject applications will be withheld for a period of sixty days from the date of this letter to provide you an opportunity to reply. Failure to respond within this time period will result in the dismissal of the applications pursuant to 47 C.F.R § 73.3568(b). Please note that any amendment must be submitted in triplicate to the Secretary of the Commission and signed in the same manner as the original application.

Sincerely,

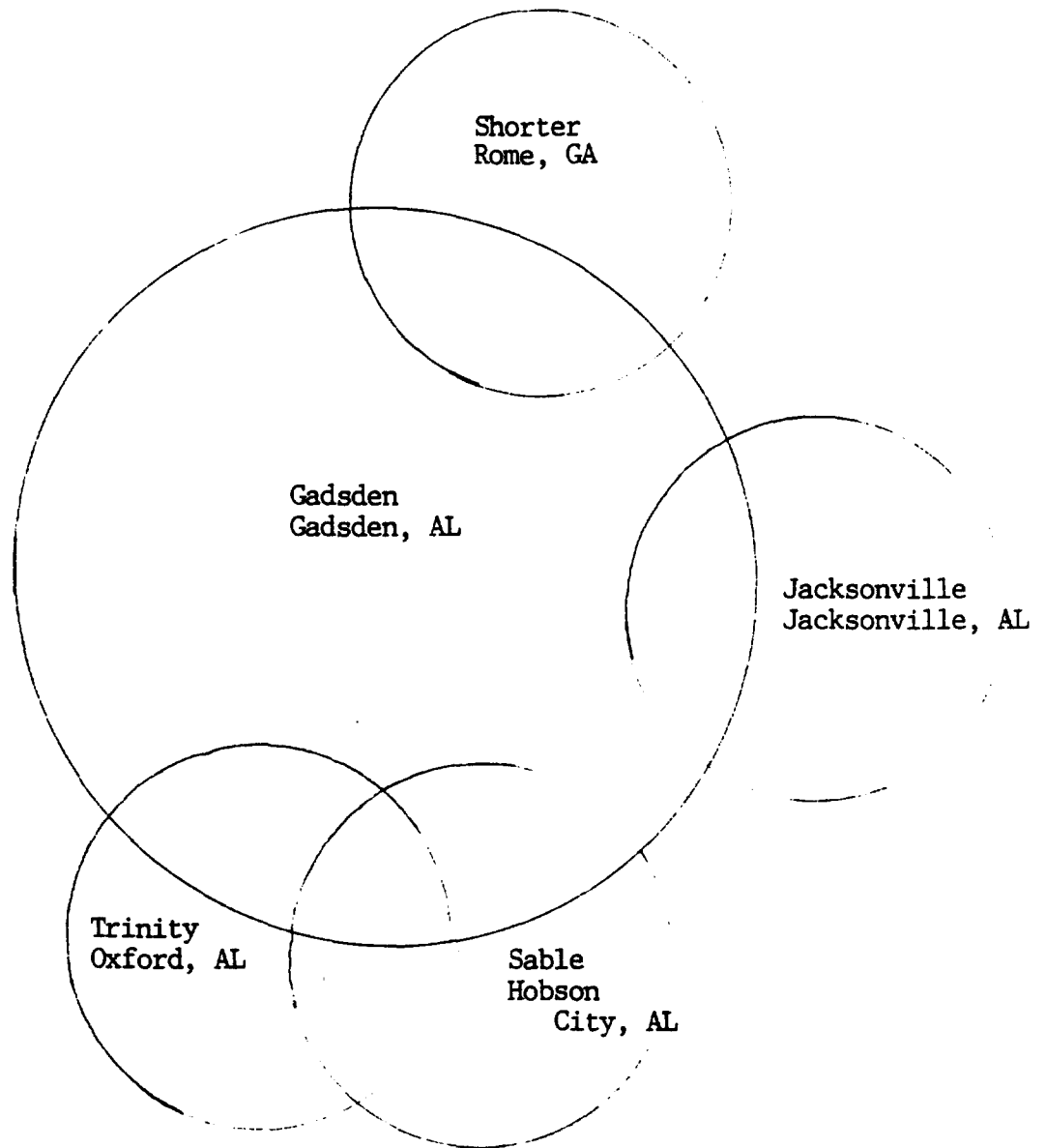
A handwritten signature in black ink that reads "Dennis Williams". The signature is written in a cursive style with a large, prominent "D" and "W".

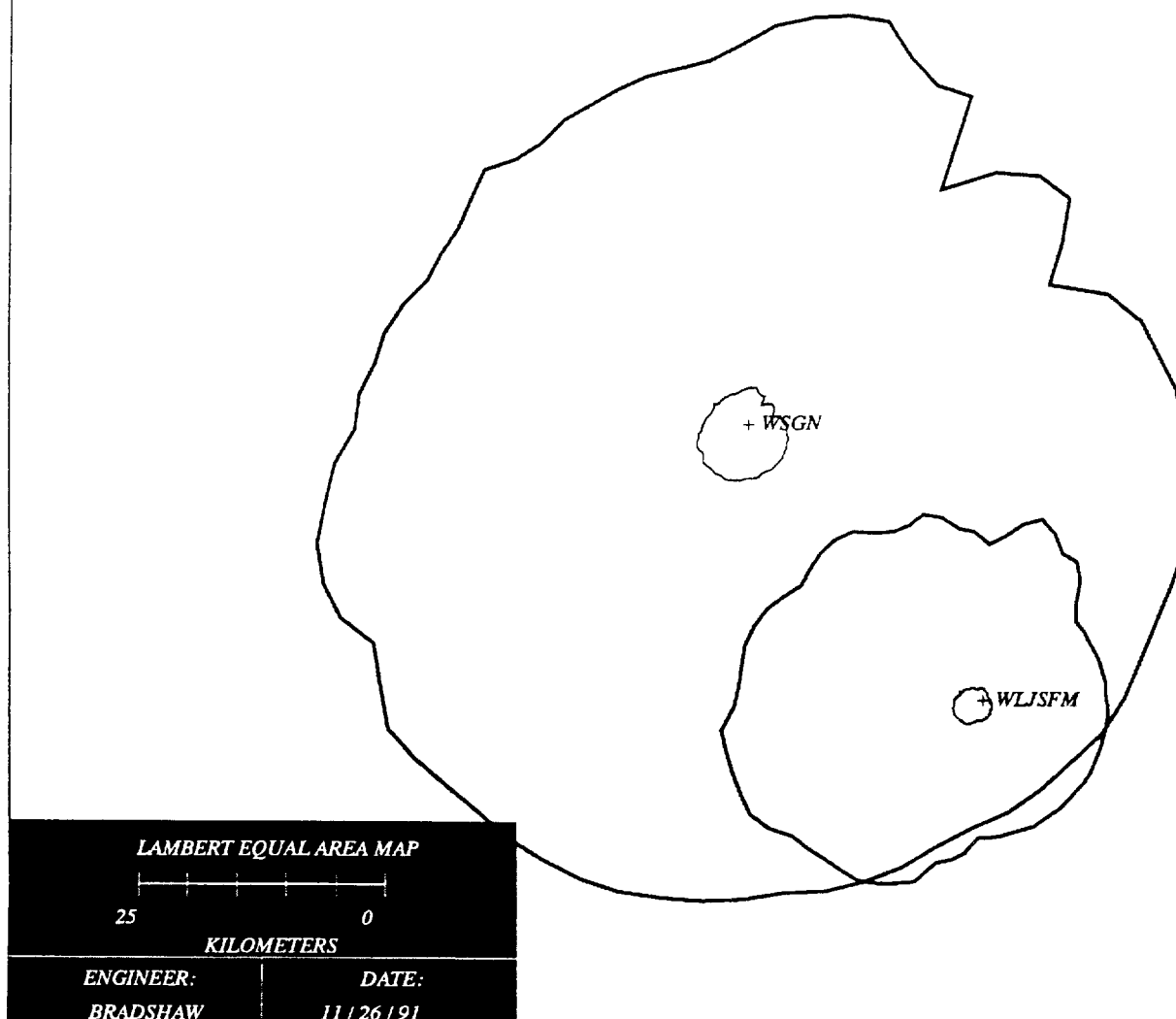
Dennis Williams  
Chief, FM Branch  
Audio Services Division  
Mass Media Bureau

cc: M. Scott Johnson (Gadsden, Jacksonville)  
Richard L. Biby, P.E. (Gadsden, Jacksonville)  
B. Scott Baxter (Sable)  
Maudine J. Holloway (Sable)  
Louis R. du Treil, P.E. (Shorter, Trinity)  
Mr. Dennis Vogel (Shorter)  
Reddy, Begley & Martin (Trinity)

attachments

Symbolic Graph Showing Mutual Exclusivity





THE FOLLOWING IS A LIST OF THE DATA WHICH APPEARS ON THE ABOVE MAP

BOTTOM LATITUDE: 33.53 TOP LATITUDE: 34.56 LEFT LONGITUDE: -86.69 RIGHT LONGITUDE: -85.33

MAP: ENLARGED CONUS MAP PROJECTION: Lambert Equal-area CENTER LAT: 34.05 LONG: -86.01 GRID SPACING: 0.00

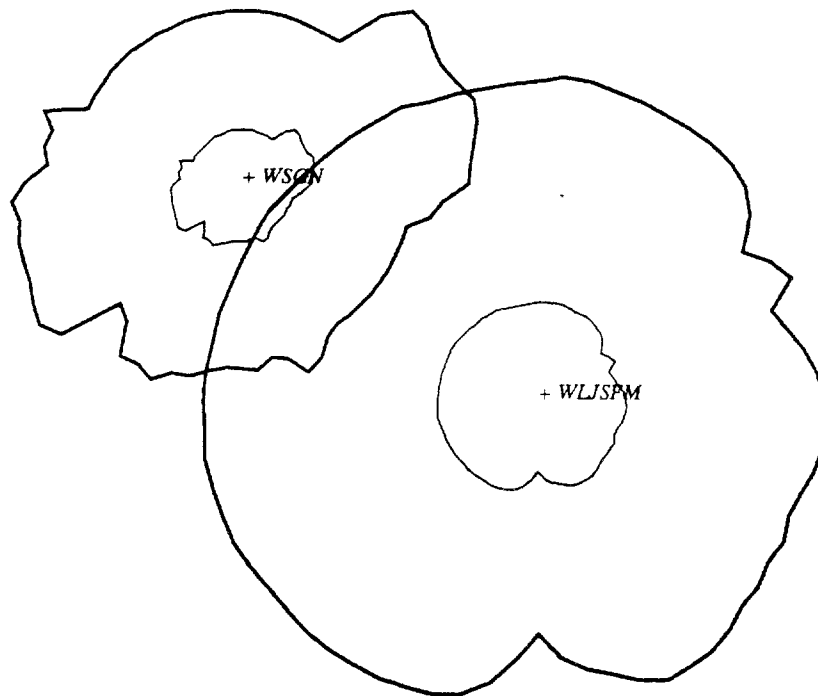
KILOMETERS / INCH = 18.72

PLOT MADE ON : 26 NOVEMBER, 1991 8:19 HOURS

call	serv	application no.	contour	chan	erp	haat	rcamsl	coverage area	A1	A7
WSGN	FM	BPED860307MK	60.0 dBu (50,50)	217	15.000	159.0	384.0	5648.5 sq km	0	0
WSGN	FM	BPED860307MK	100.0 dBu (50,10)	217	15.000	159.0	384.0	60.3 sq km	0	0
WLJS	FM	BLED810415AA	60.0 dBu (50,50)	220	3.000	44.0	287.0	1070.1 sq km	0	27
WLJS	FM	BLED810415AA	100.0 dBu (50,10)	220	3.000	44.0	287.0	26.3 sq km	29	0

A1 - Number of radials where free space equation was used for field strength calculations.

A7 - Number of radials where a HAAT less than 30 meters was adjusted to 30 meters.



## LAMBERT EQUAL AREA MAP

25 0  
KILOMETERS

ENGINEER: DATE:  
BRADSHAW 11/26/91

THE FOLLOWING IS A LIST OF THE DATA WHICH APPEARS ON THE ABOVE MAP

BOTTOM LATITUDE: 33.45 TOP LATITUDE: 34.29 LEFT LONGITUDE: -86.39 RIGHT LONGITUDE: -85.28

MAP: ENLARGED CONUS MAP PROJECTION: Lambert Equal-area CENTER LAT: 33.87 LONG: -85.84 GRID SPACING: 0.00

KILOMETERS / INCH = 15.40

PLOT MADE ON : 26 NOVEMBER, 1991 7:48 HOURS

call	serv	application no.	contour	chan	erp	haat	rcamsl	coverage area	A1	A7
WLJS	FM	BPED860321MI	60.0 dBu (50,50)	220	0.320	315.0	575.0	1920.3 sq km	0	0
WLJS	FM	BPED860321MI	80.0 dBu (50,10)	220	0.320	315.0	575.0	177.3 sq km	0	0
WSGN	FM	BLED1362	60.0 dBu (50,50)	218	3.500	23.0	220.0	791.2 sq km	0	31
WSGN	FM	BLED1362	80.0 dBu (50,10)	218	3.500	23.0	220.0	77.6 sq km	0	31

A1 - Number of radials where free space equation was used for field strength calculations.

A7 - Number of radials where a HAAT less than 30 meters was adjusted to 30 meters.

BAPS F.A.I.R. REPORT  
FOR SABLE COMMUNITY BROADCASTING CORPORATION  
AND  
DOCKET HISTORY FOR MM DOCKET NO. 92-70

880708

850930MT	P	850930						
851001ME THE REGENTS OF THE UNIV. OF CO BOULDER			CO	*90.7MHZ	*TYPE ED	*STAT 00	*EXP	851010
851001ME	P	851001			851122	66	00	
85100100 & PRIME INC.			WINSLOW	AZ	*95.1MHZ	*TYPE H	*STAT 00	851210
85100100	P	851001			860708	66	00	
851003MB SABLE COMMUNITY B/CNG CORP.			HOBSON CITY	AL	*91.3MHZ	*TYPE ED	*STAT 00	920402

851205M1

J 06

BAPO20-01  
PAGE 3743PAGE 368 OF SERVICE \*FM\* BAPS FACILITY/APPLICATION INFORMATION REPORT FROM 39/01/01 TO 92/05/04 BAPO20-01  
PAGE 3758

APP-ARM CP-APP-ARM TYPE REC'D ACCEPT PM-ACC PETITN LOCCEL CUTOFF TONEAR FRHEAR FINAL-DTE DOCKET PRIOR-ARM HAND CP-EXP

851003MB	P	851003	860408	851030	860512	920401	36	92-70	01
MINOR AMENDMENT				CHG. ERP: 0.1 KW (V), CHG. TO					

871203

851003MC CALVARY BROADCASTING NETWORK			DOTHAN	AL	*91.9MHZ	*TYPE ED	*STAT 00	*EXP	851018
851003MC	P	851001			860123	66	00		

851015TA CORINTHIANS XIII BROADCASTING			DESERT HOT SPRINGS	CA	*94.3MHZ	*TYPE FT	*STAT 00	*EXP	860226
851015TA	P	851015			860220	67	00		

850821

851018MB ELECTRONICS CORPORATION			WARREN	VT	*96.1MHZ	*TYPE H	*STAT 00	*EXP	880324
851018MB	P	851018	860401	871016	880311	880310	67	88-38	01

871203

PLEADING  
PLEADING  
PLEADING  
PLEADING  
PLEADING  
MINOR AMENDMENT

871109 RPLY OP TO PET LEAV TO AMEND FLD BY SELECTRONICS CORPORATION  
871029 OPPOS/TO/PET/LEAVE/AMEND FILED FOR MTH. MEDIA, INC. BY ATTYS  
871020 ERRATA TO PET FOR LEAVE TO AMEND BY SELECTRONICS CORPORATION  
871022 JT RST APRVAL OF AGREE FLD BY DBA RADIO AND SELECTIONICS  
871016 PET FOR LEAVE TO AMEND FILED BY SELECTIONICS CORPORATION  
871016 ENGINEER AMENDMENT (871016MA)

850821

851018ME RADIO VERMONT, INC.			WARREN	VT	*96.1MHZ	*TYPE H	*STAT 00	*EXP	880419
851018ME	P	851018	860401	870330	880311	880411	67	88-38	02

880422

PLEADING  
PLEADING  
PLEADING  
PLEADING  
MINOR AMENDMENT  
MINOR AMENDMENT

870822 JT RST APRVAL OF AGREE FLD BY DBA RADIO AND SELECTIONICS  
870820 OP TO PET FOR LEAVE TO AMEND FILED BY MOUNTAIN MEDIA, INC.  
870806 PETITION FOR LEAVE TO AMEND FILED BY RADIO VERMONT, INC.  
870330 PET FOR LEAVE TO AMEND FLD BY RADIO VERMONT, INC.  
870806 ENGINEERING AMENDMENT (870806M)  
870330 UPDATES OTHER BROADCAST INTERE

890131

851018MF CHARLES J. SALTZMAN			BREAUX BRIDGE	LA	*96.5MHZ	*TYPE H	*STAT 00	*EXP	871203
851018MF	P	851018	860401	860708	870901	871030	67	87-371	04

MINOR AMENDMENT  
MINOR AMENDMENT  
MINOR AMENDMENT  
MINOR AMENDMENT

860708 SUBMIT FAA DETERMINATION AND P  
860924 UPDATE OWNERSHIP INFORMATION  
860324 UPDATE OWNERSHIP INFORMATION  
860303 UPDATE OWNERSHIP INFORMATION

871130

851018HZ DAVID T. MURRAY			UNIVERSITY	MS	*92.1MHZ	*TYPE H	*STAT 00	*EXP	851127MF 910625
851018HZ	P	901102	901114	851127	910129	910404	67	91-23	02

871130

PLEADING  
PLEADING  
PLEADING  
PETITION TO DENY  
PLEADING  
PLEADING  
PLEADING  
PLEADING  
PLEADING  
PETITION FOR RECONSIDERATION FILED  
PLEADING  
PETITION FOR RECONSIDERATION FILED  
PLEADING  
PETITION FOR RECONSIDERATION FILED

910110 SUP TO PET TO DISMISS OR DENY FILED BY ("SMC OF THE U OF MS")  
910123 OPPOSITION TO PETITION TO DENY/DISMISS FILED BY MURRAY  
910122 FURTHER SUPP TO PET TO DISMISS/DENY FILED BY ("SMC")  
910104 PET TO DISMISS/DENY FILED BY "SMC"  
910005 APPLICATION REINSTATED PER MMBO 90-303 DATED 10/5/90  
900112 SUPP TO APP FOR REVIEW FLD BY DAVID T. MURRAY  
880616 REPLY TO OPP TO APP FOR REVIEW FLD BY DAVID T. MURRAY  
880606 SUPPLEMENT TO OPP FILED BY THE STUDENT MEDIA CENTER  
880603 OPP TO APPLICATION FOR REVIEW FLD BY STUDENT MEDIA CENTER  
880606 OPP TO MOT FOR EXT OF TIME FILED BY DAVID T. MURRAY  
880513 APPLICATION FOR REVIEW FLD BY: DAVID T. MURRAY  
880526 MOT FOR EXTEN OF TIME FILED BY STUD MEDIA CENTER UNIV MISS  
880412 PETITION FOR RECONSIDERATION DENIED 4/12/88 (PER-RMM)  
880218 COMMENTS ON JT SUB OF AGREEMENT FILED BY DAVID T. MURRAY  
851127 PET. FOR RECON. FILED BY TIMOTHY K. BRADY

871130

850812

871130

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APP-

8512

851205MJ  
8512851205ML  
8512851205TA  
8512851206MG  
8512851206MH  
8512851206MC  
8512

851206T1

\*\*\*\*\* DKT/RM: 92-70 \*\*\* \*\*\*\*\*

05/22/92 DOC TYPE: ORDER  
APPL : ALJ ATT: BPED-851003MB ET AL  
LAW FIRM: FCC STEINBERG, ARTHUR I.  
RELEASE/DENIED: 05/27/92 FCC/DA#: 92M-605  
RM#: VIEWING STATUS: 0 EXPARTE:

05/21/92 DOC TYPE: MOTION  
APPL : GADSDEN STATE COMMUNITY ATT: BPED-851003MB ET AL  
LAW FIRM: GARDNER, CARTON & DOUGLAS JOHNSON, M. SCOTT  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

05/21/92 DOC TYPE: AMENDMENT  
APPL : GADSDEN STATE COMMUNITY ATT: BPED-860307MK  
LAW FIRM: GARDNER, CARTON & DOUGLAS EDMUNDSON, JAMES K.  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

05/12/92 DOC TYPE: APPEARANCE  
APPL : SABLE COMMUNITY BROADCAST ATT: BPED-851003MB  
LAW FIRM: REID & THOMAS HOLLOWAY, MAUDINE J.  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

05/05/92 DOC TYPE: APPEARANCE  
APPL : GADSDEN STATE COMMUNITY ATT: BPED-860307MK  
LAW FIRM: GARDNER, CARTON & DOUGLAS EDMUNDSON, JAMES K.  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

05/05/92 DOC TYPE: APPEARANCE  
APPL : TRINITY CHRISTIAN ATT: BPED-860512MB  
LAW FIRM: REDDY, BEGLEY & MARTIN MARTIN, HARRY C.  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

04/23/92 DOC TYPE: PREHEARING  
APPL : ALJ ATT: BPED-851003MB ET AL  
LAW FIRM: FCC STEINBERG, ARTHUR I.  
RELEASE/DENIED: 04/24/92 FCC/DA#: 92M-493  
RM#: VIEWING STATUS: 0 EXPARTE:

\*\*\*\*\* DKT/RM: 92-70 \*\*\* \*\*\*\*\*

04/21/92 DOC TYPE: ORDER  
APPL : ALJ ATT: BPED-851003MB ET AL  
LAW FIRM: FCC STIRMER, JOSEPH  
RELEASE/DENIED: 04/22/92 FCC/DA#: 92M-483  
RM#: VIEWING STATUS: 0 EXPARTE:

04/01/92 DOC TYPE: HDO  
APPL : AUDIO SERVICES DIV. ATT: BPED-851003MB ET AL  
LAW FIRM: FCC GAY, W. JAN  
RELEASE/DENIED: 04/15/92 FCC/DA#: DA 92-4  
RM#: VIEWING STATUS: 0 EXPARTE:

03/10/92 DOC TYPE: AMENDMENT  
APPL : GADSDEN STATE COMMUNITY ATT: BPED-860307MK



LAW FIRM: GARDNER, CARTON & DOUGLAS JOHNSON, M. SCOTT  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

03/07/92 DOC TYPE: APPLICATION  
APPL : GADSDEN STATE JUNIOR ATT: BPED-860307MK  
LAW FIRM: GARDNER, CARTON & DOUGLAS JOHNSON, M. SCOTT  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

01/27/92 DOC TYPE: REQUEST  
APPL : GADSDEN STATE COMMUNITY ATT: BPED-860307MK  
LAW FIRM: GARDNER, CARTON & DOUGLAS JOHNSON, M. SCOTT  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

01/24/92 DOC TYPE: AMENDMENT  
APPL : TRINITY CHRISTIAN ACADEMY ATT: BPED-860512MB  
LAW FIRM: REDDY, BEGLEY & MARTIN MARTIN, HARRY C.  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

11/26/91 DOC TYPE: LETTER  
APPL : AUDIO SERVICES DIVISION ATT:  
LAW FIRM: FCC WILLIAMS, DENNIS  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

11/26/91 DOC TYPE: LETTER  
APPL : AUDIO SERVICES DIVISION ATT:  
LAW FIRM: FCC WILLIAMS, DENNIS  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

::::: \*\*\* DKT/RM: 92-70 \*\*\* :::::

11/26/91 DOC TYPE: LETTER  
APPL : AUDIO SERVICES DIVISION ATT:  
LAW FIRM: FCC WILLIAMS, DENNIS  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

11/26/91 DOC TYPE: LETTER  
APPL : AUDIO SERVICES DIVISION ATT:  
LAW FIRM: FCC WILLIAMS, DENNIS  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

11/26/86 DOC TYPE: APPLICATION  
APPL : GADSDEN STATE COMMUNITY ATT: ARN-860307MK  
LAW FIRM: GARDNER, CARTON & DOUGLAS JOHNSON, M. SCOTT  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE:

10/27/86 DOC TYPE: LETTER  
APPL : FM BRANCH ATT: ARN-860307MK  
LAW FIRM: FCC WILLIAMS, DENNIS  
RELEASE/DENIED: FCC/DA#:  
RM#: VIEWING STATUS: 0 EXPARTE: